

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )       8:06CR256  
                               )  
vs.                         )       ORDER  
                               )  
ROBERT TUCKER,             )  
                               )  
Defendant.                 )

This matter is before the court on the motion to continue by defendant Robert Tucker (Tucker) (Filing No. 14). Tucker seeks a continuance of the trial of this matter which is scheduled for December 11, 2006. Tucker's counsel represents that counsel for the government has no objection to the motion. Tucker's counsel represents that Tucker consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act and that Tucker's affidavit will be filed in this matter. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Tucker's motion to continue trial (Filing No. 14) is granted.  
2. Trial of this matter is re-scheduled for **February 12, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 29, 2006 and February 12, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 29th day of November, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge